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to use reasonable diligence in obtaining other employment, he is not bound to accept employment of a substantially different character. *Hinchcliffe et al. v. Koontz*, 121 Ind. 422. But if he does accept employment of a different character, the wages received may be shown in mitigation of damages for the wrongful discharge. *Stevens v. Crane*, 37 Mo. 487. And, in mitigation of damages, where an employee, discharged before the expiration of his term of service, brings an action for wrongful discharge, and the defense in part is that he received compensation in other employments during the unexpired portion of the term, the burden of showing such compensation and the value thereof is upon the employer. *World's Columbian Exposition v. Richards*, 57 Ill. App. 601. And though a servant is bound to use reasonable efforts to obtain employment elsewhere, the burden of showing that, by reasonable efforts, he might have obtained such employment is upon the employer. *Emery et al. v. Steckel*, 12 Pa. State, 171; *Barker v. Knickerbocker Life Ins. Co.*, 24 Wis. 630.

MUNICIPAL CORPORATION—MAINTENANCE OF POLICE STATION.—*WILCOX v. CITY OF ROCHESTER*, 82 N. E. (N. Y.) 1119.—Where a city exercises a governmental function in maintaining a police station, used in part as a jail for prisoners, as well as in part for the accommodation of its police force, *held*, that it is not liable for the negligence of an employee in charge of an elevator therein.

A municipal corporation exercises two classes of functions, private and governmental, *Hourigan v. Norwich*, 77 Conn. 358, this distinction being clearly defined and well recognized, *Bailey v. Mayor*, 3 Hill 531, but in the application lies the conflict. When the duty enjoined relates to some act in the doing of which the city has some special interest apart from the public generally, *Merrifield v. Worcester*, 110 Mass. 216, it is the English rule, *Mersey Docks v. Gibbs*, etc., 11 H. L. Cases 685, as well as the American, that the municipal corporation is liable for an injury sustained, *Briegle v. Philadelphia*, 135 Pa. St. 451, but when the duty relates to acts which, in their nature, are for the benefit of the public, *Finch v. Board*, 30 Ohio St. 37, and the city is representative and agent of the public, it is not liable, *Hill v. City of Boston*, 122 Mass. 344; this latter view was also held by Chief Justice Marshall in *Fonle v. Alexandria*, 3 Pet. 398. And the duty and function of keeping, *Brown v. Guyandotte*, 34 W. Va. 299, and maintaining a city prison is purely such a governmental act, *Gray v. Griffin*, 111 Ga. 361, and a police officer is generally regarded as a public officer, *Craig v. Charleston*, 180 Ill. 154; *Vaughtman v. Waterloo*, 14 Ind. App. 649.